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April 4, 2022

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Honorable Michael A. Shipp, U.S.D.J.
U.S. District Court of New Jersey
Clarkson S. Fisher Fed. Bldg. & U.S. Courthouse – Room 7000
402 E. State Street
Trenton, NJ 08608

Re: New Jersey Second Amendment Society v. Murphy, et al
Docket No.: 3:20-CV-05228-MAS-LHG
Our File No.: 110040.103304
Motion to Dismiss Second Amended Complaint

Dear Judge Shipp:

As Your Honor is aware, on March 10, 2022, Plaintiffs' counsel requested an adjournment of the return date on Defendants' Motion to Dismiss and the date on which Plaintiffs' opposition to the Motion must be filed. (ECF 74). By Text Order dated March 15, 2022 (ECF 76), this Court granted an extension ***until March 28, 2022*** for Plaintiffs to file an opposition brief. By Text Order dated March 21, 2022 (ECF 77), this Court set the return date on the Motion as April 18, 2022 and the deadline by which Defendants were to file their reply brief as April 11, 2022.

Unfortunately, as is the pattern and practice in this case, Plaintiffs failed to file their opposition by the March 28, 2022 deadline set by this Court and simply filed it today, April 4, 2022, without permission or explanation. As is also the typical result of Plaintiffs' failure to adhere to deadlines, Defendants have been negatively impacted. Specifically, while Defendants were afforded and anticipated two weeks to prepare and file their reply brief, that time has been cut in half by Plaintiffs' failure to file their opposition brief by the Court-ordered deadline.

Defendants are constrained to point out that Plaintiffs' failure to abide by Court rules and Orders has been repeated throughout this litigation. By way of illustration, and for ease of reference, Defendants are filing as an attachment herewith a copy of their June 9, 2021 correspondence to Your Honor in this case. That correspondence was necessitated by Plaintiffs' June 7, 2021 request – two months after the scheduled return date - for an adjournment of the return date and opposition briefing deadline on Defendants' March 16, 2021 Motion to Dismiss, which Plaintiffs had simply ignored during the intervening months. The June 9, 2021 correspondence to Your Honor outlines just some of Plaintiffs' continued failures to follow the Rules and abide by the Orders of this Court.

Defendants are respectfully requesting that they be afforded the two weeks provided by the Court to reply to Plaintiffs' opposition brief. This would make Defendants' reply brief due no later than April 18, 2021 and, presumably, would move the return date to the next motion date, May 2, 2022.

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Thank you for your courtesies.

Respectfully submitted,

s/Thomas J. Cafferty
THOMAS J. CAFFERTY

TJC/mlk